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**From:** Laumann, Sara [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=975E0180B2BB45B094CDFAB41DC273B1-LAUMAN, SARA]  
**Sent:** 10/30/2018 10:54:58 PM  
**To:** Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]  
**Subject:** FW: A question for you both.  
**Attachments:** Voigt Appeal Brief.pdf

Here's my question....

Sara L. Laumann • Senior Assistant Regional Counsel • US EPA Region 8 • (303) 312-6443

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**From:** Laumann, Sara  
**Sent:** Tuesday, October 30, 2018 4:21 PM  
**To:** Odendahl, Steve <odendahl.steve@epa.gov>; Denawa, Mai <Denawa.Mai@epa.gov>  
**Subject:** A question for you both.

Mai and Steve

# Ex. 5 AC/DP

Excerpt from the NSPS delegation website:

## Specific Authorities Retained By EPA

In general, EPA does not delegate to state or local agencies the authority to make decisions that are likely to be nationally significant, or alter the stringency of the underlying standards.

As additional assurance of national consistency, state and local agencies must send to the EPA Region's Air Enforcement program a copy of any written decisions made pursuant to the following delegated authorities:

- Applicability determinations that state a source is not subject to a rule or requirement;
- Approvals or determination of construction, reconstruction or modification;
- Minor or intermediate site-specific changes to test methods or monitoring requirements; or
- Site-specific changes or waivers of performance testing requirements.

## 40 CFR Part 60 NSPS

The following provisions of Subpart A *are not delegated*:

- Sections 60.4(b),
- 60.8(b),

- 60.9,
- 60.11(b),
- 60.11(e),
- 60.13(a),
- 60.13(d)(2),
- 60.13(g), and
- 60.13(i).

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